

Jennifer T. Nijman  
jn@nijmanfranzetti.com

Susan M. Franzetti  
sf@nijmanfranzetti.com

US EPA RECORDS CENTER REGION 5



FOR INCLUSION IN THE ADMINISTRATIVE RECORD

Fed. R. Civ. P. 408  
Inadmissible Settlement Discussions

January 17, 2012

VIA ELECTRONIC AND U.S. MAIL

Ms. Michelle Kerr  
Remedial Project Manager  
U.S. Environmental Protection Agency – Region 5  
Superfund Division (SR-6J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Ms. Margaret Herring  
Civil Investigator  
U.S. Environmental Protection Agency – Region 5  
Superfund Division (SR-6J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Re: Response of River Metals Recycling, LLC to the November 30, 2011  
General Notice Letter Chemetco Superfund Site, Hartford, Illinois and Request  
for De Minimis Settlement Eligibility

Dear Ms. Kerr and Ms. Herring:

This letter is submitted on behalf of River Metals Recycling, LLC (“RMR”) in response to the U.S. EPA’s General Notice Letter for the Chemetco Superfund Site (the “Site”), dated November 30, 2011. The United States Environmental Protection Agency (“U.S. EPA”) agreed at the informational meeting on December 20, 2011 to extend the deadline for this response to January 17, 2012. Please note that RMR is also responding to the request in the General Notice Letter to contact Ms. Herring concerning requests for de minimis settlements, which we submit herein as well.

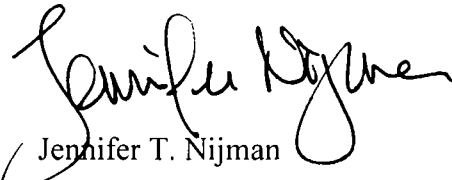
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In the January 17, 2012 meeting, U.S. EPA stated it would develop and provide a contact list of the attendees in order for the parties to discuss this matter further. That list has not been provided. In addition, U.S. EPA agreed to provide the parties with a DVD containing information on the Site as well as nexus information for each party. We submitted a request for that information and just received it this week. We will need time to review the information provided before making any commitments to participate in formal negotiations.

Moreover, RMR has significant questions concerning the Site that need to be addressed. First, RMR disagrees with U.S. EPA's statements that none of the parties receiving the notice letter, including RMR, meet the criteria for an exemption from CERCLA liability under the Superfund Recycling Equity Act ("SREA"). Second, RMR notes that U.S. EPA's failure to notify all 1,814 potentially responsible parties due to "administrative convenience" serves as a disincentive for the 108 noticed parties to take action. A related concern is whether U.S. EPA will address what appears to be a significant "orphan share" for Delphi Automotive, the largest contributor of materials to Chemetco.

Since its June 25, 2008 response to the IEPA's information request, and subsequent May 19, 2009 letter to IEPA, RMR continues to maintain its denial of any and all liability alleged by the governments or by any other potentially responsible party. Despite the numerous issues presented by the Site, RMR is amenable to continuing discussions with U.S. EPA through the formation of a group of recipients of the General Notice Letter, which is currently being facilitated by the Institute of Scrap Recyclers (ISRI), without admitting any liability and subject to a full reservation of rights.

Sincerely,



Jennifer T. Nijman

JTN/lbb

cc: Christopher J. Bedell